

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P. Medical & Health Services – Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District – Promoted as Civil Surgeon Specialist (Pediatrics) in the panel year 2002-03 – Not joined – Relaxation of Rule 11 (b) of A.P. State & Subordinate Service Rules, 1996 for promotion to the post of Civil Surgeon Specialist (Pediatrics) – Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (B1) DEPARTMENT

G.O.Rt.No.1527

Dated: 03.10.2008

Read the following:-

- 1) G.O.Ms.No.167, H.M. & F.W. (B1) Dept., dt.24-05-2003.
- 2) From the APAT, Hyderabad Interim Order dated 28-08-2006 in O.A. No.5518/2006
- 3) From Dr.O.Lalitha, CAS, District Hospital, Nandyal Representation dated –nil- received on 02-04-2008.

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ORDER:-

In the G.O. 1st read above, Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District has been promoted as Civil Surgeon Specialist (Pediatrics) and attended for counseling during the panel year 2002-03. Due to ill-health she could not join in the promotion post. Later, she has requested for promotion in terms of orders issued in G.O.Ms.No.145, General Administration (Ser.D) Dept., dt.15-06-2004 but her name was not considered for promotion during the panel year 2005-06, since she got promotion in the year 2003 i.e., prior to issuance of the above orders.

2. Aggrieved by the above, Dr.O.Lalitha has filed O.A. No.5518/2006 before the Hon'ble Tribunal for promotion to the post of Civil Surgeon Specialist (Pediatrics) in the ensuing counseling to be held on 29-08-2006 as per G.O.Ms.No.145, G.A. 9Ser.D) Dept., dt.15-06-2004. The Hon'ble Tribunal in its Interim Order dated 28-08-2006 has directed the respondents as follows:

“Therefore, there shall be a direction to the respondents to consider the case of the applicant in accordance with the amendment issued in G.O.Ms.No.145, dated 15-06-2004 for effecting promotion of the applicant to the post of Civil Surgeon Specialist (Pediatrics) along with others in accordance with seniority in the ensuing counseling, pending further orders”

3. Again her name was not considered during the panel year 2007-08 for promotion to the post of Civil Surgeon Specialist (Paed.), since the orders issued in G.O.Ms.No.145, G.A. (Ser.D) Dept., dt.15-06-2004 are not applicable in this case.

4. In her representation 3rd read above, Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District has requested to consider her case for promotion to the post of Civil Surgeon Specialist (Paed.) duly relaxing the rule 11(b) of A.P. State & Subordinate Service Rules, 1996.

5. The Hon'ble High Court of Andhra Pradesh in its Judgment dated 09-07-2008 in W.P. Nos.26698 of 2006 and 659 & 5213 of 2007 held that the context, the language and the object sought to be achieved by way of such an amendment and the peculiar circumstances under which the rigidity of the rule was sought to be relaxed show that it has retrospective operation and the respondent / applicants are also entitled for extension of the benefit of the amended rule for consideration of their cases for promotion immediately in the next year panel after the amendment of the rule or in the successive panel years after the amendment, subject to availability of vacancies.

/p.t.o./

6. Government after careful examination and keeping in view of the orders of Hon'ble High Court of Andhra Pradesh and A.P. Administrative Tribunal, hereby consider the request of Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District for her promotion to the post of Civil Surgeon Specialist (Paed.) duly relaxing the Rule 11 (b) of A.P. State & Subordinate Service Rules, 1996.

7. Accordingly, under Rule 10 (a) of A.P. State & Subordinate Service Rules, 1996, Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District is hereby temporarily promoted as Civil Surgeon Specialist (Pediatrics) on non-teaching side in category 3(c) under Class A of A.P. Health & Family Welfare Services Special Rules, in relaxation of rule 11(b) of A.P. State & Subordinate Service Rules, 1996. The above promotion shall come into force with effect from the date of joining in the duty.

8. Consequent on promotion as Civil Surgeon Specialist (Pediatrics), Dr.O.Lalitha, Civil Assistant Surgeon, District Hospital, Nandyal, Kurnool District is hereby posted at C.H.C., Allagadda in the existing vacancy.

9. The above Officer should join the promoted post within (15) days from the date of receipt of posting orders, failing which; she shall forfeit her promotion right / offer for the current panel year in terms of Rule 11 (b) of A.P. State & Subordinate Service Rules, 1996 read with G.O.Ms.No.145, G.A. (Ser.D) Dept., dt.15-06-2004.

10. The Director of Health, A.P., Hyderabad shall take necessary action in the matter.

11. The above order does not require the concurrence of Finance (W&M) Department.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHAMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The individual (through Director of Health)
The Director of Health, A.P., Hyderabad

Copy to:-

The Commissioner, A.P. Vaidya Vidhana Parishad, Hyderabad
The District & Medical & Health Officer, Kurnool
The District Coordinator of Hospital Services, Nandyal, Kurnool Dist.
The District Treasury Officer, Kurnool
The P.S. to Principal Secretary to C.M.
The P.S. to Minister (Health & Family Welfare)
The P.S. to Principal Secretary (Health)
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER